

REMARKS

In response to the Requirement for Restriction of April 25, 2005, Applicant hereby elects to prosecute the claims in Group I, with traverse.

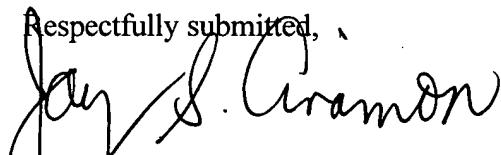
It is respectfully submitted that the Examiner should take into consideration that claim 49, of the Group II invention, is not, in fact, drawn as stated by the Examiner, to "*a composition comprising the microorganism obtainable by*", but, rather, quite simply to "*a microorganism obtainable by the process according to claims...*".

Applicant is also of the view that biotech processes, and the products derived directly therefrom, are entitled to a less restrictive requirement insofar as unity of invention is concerned.

Furthermore, the Examiner is asked to take note of the fact that the subject patent application, even though it is an RCE, derives from a PCT application and, accordingly, the imposition of a requirement for restriction is improper.

Withdrawal of the Requirement for Restriction is respectfully solicited.

Please charge any fees which may be due to our Deposit Account No. 01-0035.

Respectfully submitted,

JAY S. CINAMON
Registration No. 24,156
Attorney for Applicant

ABELMAN FRAYNE & SCHWAB
150 East 42nd Street
New York, New York 10017-5612
Tel. (212) 949-9022
Fax(212)949-9190